

REMARKS

Reconsideration and allowance of the above-reference application are respectfully requested. Claims 1-40 are pending in the application.

Claims 11, 21, and 31 are amended to correct minor informalities that are merely cosmetic, with no change in claim scope.

Applicant traverses the drawing objection, as there is no basis whatsoever for objecting to the drawings merely as “hand written”. Applicant submits that the drawings are acceptable because they are readable and reproducible for publication purposes (See MPEP § 507). Further, the Examiner has failed to attach any form PTO-948 that would otherwise identify any deficiency in the drawings (see MPEP 608.02(b)(II) (“The examiners are directed to advise the applicants by way of form PTO-948 (see MPEP § 707.07(a)) in the first Office action of the reasons why the drawings are not acceptable.”)).

Finally, the Examiner has failed to note any defect in the content of the drawing (See MPEP § 608.02(b)(II)). Hence, absent any form PTO-948 from the Examiner, Applicant submits the drawings are acceptable.

Claims 1, 6-11, 16-21, and 36-40 stand rejected under 35 USC §103 in view of U.S. Patent No. 6,876,632 to Takeda in view of U.S. Patent No. 5,912,628. This rejection is respectfully traversed, as it fails to establish that one skilled in the art would have been motivated to combine the prior art teachings in the manner claimed.

Independent claims 1, 11, 21, and 31 each specify **routing** a received signaling message by a **signaling network node**, based on classifying the received *signaling* message as assigned to a **message class** based on prescribed message class selection criteria, and selecting a destination link based on a destination link identifier specified in a corresponding message class entry identifying the corresponding message class.

The Official Action is legally deficient because it fails to demonstrate that all claim limitations are taught or suggested by the prior art. It is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled “**All Claim Limitations Must Be Taught or Suggested**”: “To establish prima facie obviousness of a claimed invention,

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all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). ‘All words in a claim must be considered in judging the patentability of that claim against the prior art.’ *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” MPEP §2143.03 at 2100-139 (Rev. 3, Aug. 2005).

Further, the preamble cannot be disregarded: as acknowledged in §2111.02 of the MPEP, “[a]ny terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation.” MPEP, Rev. 1, Feb. 2003, p. 2100-49 (*citing Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989); *Pac-Tec Inc. v. Amerace Corp.*, 903 F.2d 796, 801, 14 USPQ2d 1871, 1876 (Fed. Cir. 1990); *In re Stencel*, 828 F.2d 751, 4 USPQ2d 1071 (Fed. Cir. 1987)).

The rejection fails to establish that Takeda teaches a signaling network node (or a method in a signaling network node) that is configured for ***routing a received signaling message***, as claimed. Rather, the rejection simply states that “Takeda discloses a routing table configured for storing message class entries”. There is no description whatsoever that the routing table is in a signaling network node, as claimed. Rather, the SCP address management table 400 resides in the service control gateway (SCGW) 1 (col. 6, lines 60-64). The SCGW 1 is not a signaling network node configured for ***routing a received signaling message***, as that term is recognized in the art. In fact, both the specification and Takeda recognize a signaling message as associated with a common channel interoffice signaling network (see SS7 network 9 of Takeda, col. 5, line 65 to col. 6, line 39).

However, the SCGW 1 of Takeda cannot be considered a signaling network node because (1) it is not part of the common channel interoffice signaling network, and (2) it does not receive signaling messages that are destined for the SCP 2.

In particular, the SCGW 1 is distinct from the SS7 network 9 of Fig. 1 and separate from the SCP 2: the SCGW 1 uses the SCP address management table 400 to identify a destination of a received message 501 from the WWW server 3. The WWW server 3 is not part of the signaling network, as evident by the packets 501 that are received by the SCGW 1 from the WWW server 3.

In particular, the received message 501 (illustrated in Fig. 7) that is received by the SCGW 1 from the WWW server 3 is not a signaling message because it has no point code as required by common channel interoffice signaling networks; rather, it relies on a conventional IP header 510 and TCP/UDP header 520.

Further, the message 800 output by the SCGW 1 to the SCP 2 (see Fig. 9, col. 10, lines 25-27) is **created** by the SCGW 1, and not **routed**, as claimed, because the SCGW 1 inserts its own originating point code 802 (col. 10, lines 60-64). In addition, the SCGW 1 is used for format conversion and transfer of control messages relating to Internet call waiting service (col. 6, lines 57-60).

As admitted in the Official Action, Takeda fails to teach *classifying the received signaling message based on prescribed message class selection criteria*. Consequently, the rejection demonstrates a piecemeal application of Takeda, especially since it is not reasonable for a teaching to utilize the claimed “message class entries identifying *respective message classes*” without any means for performing any classification for identifying a member of one of the message classes.

It is well settled that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.” (emphasis added)); *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.” (emphasis added)).

The Examiner’s asserted motivation to modify Takeda is *per se* improper because there is no evidence whatsoever to support the Examiner’s assertion that “[t]he motivation being an improved circuit [sic] and method of selecting a signal link in an exchange system.”

The Examiner is reminded that an obviousness rejection requires a specific showing as to why one of ordinary skill in the art would have selected the components for combination in the manner claimed.¹ “The examiner’s conclusory statements ... do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and [cannot] be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to ‘[use] that which the inventor taught against its teacher.’” *In re Lee*, 61 USPQ2d at 1434 (quoting *W.L. Gore v. Garlock, Inc.*, 202 USPQ 303, 312-13 (Fed. Cir. 1983)).

Hence, the Examiner’s assertion of motivation is legally improper because it is unfounded.

Jeong does not disclose or suggest the claimed “classifying the received signaling message as assigned to the corresponding **message class**, based on prescribed **message class selection criteria**.” Rather, Jeong relies on the explicit value of the Signaling Link Selection (SLS) field to explicitly specify the link that should be used: this very teaching is already described in the Applicant’s admitted prior art at page 2, line 27 to page 3, line 3. The use of an explicit Signaling Link Selection is therefore a mapping, and not a classification based on **prescribed message class selection criteria**.

The specification clearly describes that classification cannot be as trivial as mapping the

¹*Cf. In re Lee*, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (quoting *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (“particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed”); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) (“even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious.”); *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination “only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references”).

SLS field, as asserted by the Examiner. Hence, the interpretation of the claimed classification “based on prescribed message class selection criteria” as reading solely on the SLS field is inconsistent with the specification, and therefore unreasonable. The Examiner is reminded that the broadest *reasonable* interpretation must be (1) consistent with the specification, and (2) consistent with the interpretation that those skilled in the art would reach.² There is no disclosure or suggestion that reliance *solely on the SLS field* would be interpreted as “classifying the received signaling message ... based on prescribed message class selection criteria.”

Further, one having ordinary skill in the art would not have been motivated to modify Takeda to include the teachings of Jeong, as asserted. The SCGW 1 of Takeda is configured for format conversion and transfer of messages between the WWW server 3 and the SCP 2 outside of the SS7 signaling network and based on the network ID of the SCP (col. 6, lines 57-60; col. 7, lines 9-12); in contrast, Jeong is strictly limited to selecting a signal link within a signaling network. Hence, one skilled in the art would not add the teachings of Jeong because the selection criteria of Jeong are inconsistent with the selection criteria of Takeda.

Hence, the §103 rejection is legally deficient because it fails to demonstrate that one skilled in the art would have unequivocally have been motivated to modify the prior art in order to obtain the invention in the manner claimed. Rather, the §103 rejection relies on a piecemeal application of the references that disregards the teachings of the references in their entirety. “The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). *In re Mills*, 16

²“During patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification.’” MPEP §2111 at 2100-46 (Rev. 3, Aug. 2005) (*quoting In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)).

“The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” MPEP §2111.01 at 2100-47 (Rev. 3, Aug. 2005) (*citing In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)).

USPQ2d 1430 (Fed. Cir. 1990).

For these and other reasons, the §103 rejection should be withdrawn.

The indication of allowable subject matter in claims 2-5, 12-15, 22-25, and 32-35 is acknowledged with appreciation. It is believed these claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-474, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. R. Turkevich', with a long horizontal flourish extending to the right.

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